

## **AMENDMENTS TO THE CLAIMS**

1. (currently amended) An electrosurgical instrument for an endoscope or a catheter, comprising:
  - a) a preferably flexible tube which can be introduced through an instrument channel of the endoscope or through a catheter lumen, is electrically nonconductive at least on its outer face, and is open at its distal end, the proximal end of which tube can be connected to a gas source for ionizable gas, in particular argon;
  - b) an electrode connection line which is longitudinally displaceable in the tube and whose proximal end can be connected to a high- frequency current generator;
  - c) an electrosurgical electrode at the distal end of the electrode connection line ; and
  - d) a handling device which is connected to the proximal end of the electrode connection line and by means of which the electrosurgical electrode, by way of the electrode connection line, can be pushed out of the distal end of the tube and can be drawn into the tube, wherein a stationary electrode is arranged at the distal end of the tube and is stationary relative to this end, said stationary electrode being electrically conductively connected to a contact element which is arranged in the tube, ~~at a distance from the distal end thereof~~, and which, when the electrosurgical electrode is drawn into the tube, is in electrical contact with the electrosurgical electrode and/or with the distal end of the electrode connection line.

2. (previously presented) The electrosurgical instrument as claimed in claim 1, wherein the tube is designed as an electrically insulating, flexible plastic hose.

3. (previously presented) The electrosurgical instrument as claimed in claim 1, wherein the electrical connection between the active electrode surface of the stationary electrode and the contact element is electrically insulated relative to the electrosurgical electrode.

4. (previously presented) The electrosurgical instrument as claimed in claim 3, wherein an insulating material sleeve is provided in the area axially between the active electrode surface of the stationary electrode and the contact element and covers the electrical connection.

5. (previously presented) The electrosurgical instrument as claimed in claim 1, wherein the electrode connection line and/or the electrosurgical electrode are provided at least partially with an insulation coating which ends or is left open at a site overlapping the contact element in the retracted position.

6. (previously presented) The electrosurgical instrument as claimed in claim 1, wherein the contact element is designed as a sleeve of electrically conductive material inserted into the tube.

7. (previously presented) The electrosurgical instrument as claimed in claim 6, wherein the sleeve is provided with an extension forming the stationary electrode and reaching almost to the distal end of the tube.

8. (previously presented) The electrosurgical instrument as claimed in claim 6, wherein

the sleeve is designed as part of a metal tube.

9. (previously presented) The electrosurgical instrument as claimed in claim 6, wherein the sleeve is designed as part of a metal wire coil.

10. (previously presented) The electrosurgical instrument as claimed in claim 9, wherein the metal wire coil part is provided with an endpiece forming the stationary electrode, reaching almost to the distal end of the tube, and forming the extension.

11. (previously presented) The electrosurgical instrument as claimed in claim 6, wherein an insulating material sleeve, which encloses at least part of the extension between itself and the tube, is inserted into the tube.

12. (currently amended) The electrosurgical instrument as claimed in claim 6, wherein the sleeve reaches almost to the distal end of the tube and at the same time forms the stationary electrode.

13. (previously presented) The electrosurgical instrument as claimed in claim 12, wherein the inner jacket of the sleeve carries an insulating material layer between an area at the distal end forming the stationary electrode and an area at the proximal end forming the contact element.

14. (previously presented) The electrosurgical instrument as claimed in claim 6, wherein

the contact element is held on a sleeve inserted into the tube.

15. (previously presented) The electrosurgical instrument as claimed in claim 14, wherein the sleeve carries an extension forming the stationary electrode and reaching almost to the distal end of the tube, which extension forms the contact element at an axial distance from the distal end of the tube.

16. (previously presented) The electrosurgical instrument as claimed in claim 15, wherein the extension, in the area of the distal end of the tube, projects substantially central with respect to the tube, toward the distal end of the latter and, in the area of the sleeve, forms the contact element, and wherein the electrosurgical electrode is designed as a flexible wire loop.

17. (currently amended) The electrosurgical instrument as claimed in claim 14, wherein the sleeve (59e) reaches almost to the distal end of the tube and at the same time forms the stationary electrode, and wherein the sleeve (59e) carries at least one radially resilient tongue forming the contact element.

18. (previously presented) The electrosurgical instrument as claimed in claim 1, wherein the handling device comprises abutment means which limit the movement of the electrosurgical electrode in the proximal direction when it is in the position drawn into the tube.

19. (previously presented) The electrosurgical instrument as claimed in claim 1, wherein

the handling device comprises sensor means, particularly in the form of a switch, which detect the retracted position of the electrosurgical electrode as a function of the position of the electrode connection line relative to the tube.

20. (previously presented) The electrosurgical instrument as claimed in claim 1, wherein the electrosurgical electrode is designed as a flexible wire loop.

21. (previously presented) The electrosurgical instrument as claimed in claim 1, wherein the electrosurgical electrode is designed as an injection needle, which is connected to the handling device via a hose which is displaceable in the tube.

22. (new) The electrosurgical instrument as claimed in claim 1, wherein the contact element is arranged in the tube at a distance from the distal end thereof.